

**PERRY COUNTY BOARD OF COMMISSIONERS
MINUTES – JUNE 20, 2012**

The Perry County Board of Commissioners met at 6:00 p.m. as was duly advertised. Commissioners in attendance were President Bill Amos, Louis Jody Fortwendel, and Tom Hauser. A representative of the *Perry County News* was also present.

The meeting opened with all present reciting the Pledge of Allegiance

PROPERTY REASSESSMENT CONTRACT AMENDMENT

Perry County Assessor, Mendy Lassaline, attended the Commissioners meeting with an amendment to the 2012-2015 Appraisal Support Services Contract. She explained that the commissioners had signed a 3 year contract in April of this year with Tyler Technologies. Since that time it has been decided to change which parts of the county will be reassessed in which years. The total contract amount of \$234,575 will not change, but the amounts for the three years will be allocated differently. Jody made the motion to accept the amendment to the contract and Tom seconded the motion. Motion carried 3-0.

PETITION TO AMEND PERRY COUNTY ZONING ORDINANCE

County Attorney Chris Goffinet informed the commissioners that ThyssenKrupp Waupaca, Inc. and Charles W. Edwards had filed a petition with the Perry County Planning and Zoning board to rezone land from Agriculture District and Conservation District to I-2 Heavy Industrial District. The Planning and Zoning Board did make a favorable recommendation to the commissioners for the petition request.

Jim Tyler, attorney for ThyssenKrupp provided the commissioners with a proposed ordinance along with a copy of the favorable recommendation and the public notice that was published in the local paper.

Speaking first for the evening was Bryant Esch, the Environmental Coordinator for Thyssen Krupp Waupaca. He stated that he was offering comments this evening in support of the zoning change for the development of a industrial landfill on a portion of land currently owner by Charles Edwards. He explained that ThyssenKrupp Waupaca foundry has been in operation in Perry County since 1997 and employs around 970 employees. Bryant stated that as part of the foundry operations, non-hazardous solid residual materials such as sand and cupola slag are generated as by-products. Around 50% are recycled locally as geotechnical fill, road construction materials and for agricultural projects. The remaining by-product materials are placed in an industrial landfill that is licensed by the State of Indiana. He said this type of landfill is very different than a standard municipal landfill. The existing landfill facility in Troy is nearing its capacity and should be full by the year 2015. He stated they have worked very hard to find a location for a replacement landfill site. The new site is within a 15 mile radius of the foundry and is technically sound and meets the goal of not causing adverse effect to their neighbors. Bryant explained that they are asking for 200 acres to be rezoned, but will only use approximately 50 acres for the landfill site. At this time they have no plans to development the remainder of the property, and plan on asking it to be rezoned back to the original zoning use.

Attorney Jim Tyler reminded the commissioners that the Plan Commission did vote in favor of the rezoning request. He stated that there have not been any major problems with the current site outside of Troy. The current property owner Charles Edwards has a purchase agreement with Waupaca on the 200 acres of land. Waupaca will get an easement for a road way into the site, and they will build the road to the Perry County road standards.

Commissioner Tom Hauser asked if there were any guarantees on what materials will be taken to the landfill and also if they will check the quality of the air in the area. Mr. Esch explained IDEM will watch what is being dumped into the site along with the dust control, because the State is very strict and visits the site regularly. Tom also wanted to know what kind of guarantee Waupaca was giving that they would come back and ask for the remaining property to be rezoned. Attorney Jim Tyler explained that the commissioners can only rezone property and cannot put conditions on the rezoning request. Tom also asked if they were expecting the county to take over the road once it has been constructed. Jim Tyler stated that it would be a private easement, and County Attorney, Chris Goffinet, stated that the County doesn't have to take over a road even if it is built to the county standards. It was stated by Mr. Esch that if they do not get access from the Indiana State Highway Department for an entrance into the property then they would have to look at other options.

Speaking in favor of the petition were the following:

Chris Kinnett with the Perry County Development Corporation asked that the commissioners pass the ordinance for rezoning as presented. He stated that if not approved it will not only affect jobs at Waupaca but many of Perry County's other employers.

Danny Thomas stated that he is a Waupaca employee and also a board member of the Perry County Port Authority. He stated he is a lifelong resident of Perry County and families of Perry County receive benefits from Waupaca. Perry County should help Waupaca deal with this issue.

Speaking against the petition were the following:

Attorney Les Shively hired by several of the adjoining land owners said they don't oppose Waupaca, but the site they have selected. He stated that rezoning will change that whole area of Perry County. It is now zoned for agriculture, conservation and recreation. The County's comprehensive development plan recognizes and protects the county's natural beauty which attracts people from great distances. Les also stated that if the State Highway Department doesn't give access to the property Waupaca could then use the small old winding road. Mr. Shively stated two different problems that Waupaca has had in the last year. The water-monitoring system at the Troy monofill was found to be inadequate, and at the 4-H fairgrounds where materials from Waupaca's beneficial use program had been deposited, a stress crack was discovered by IDEM. He stated that the only way to protect adjacent property owners from possible effects of the rezoning would be the development of private covenants. He stated that a covenant could limit the footprint of the 50 acre monofill site, and prohibition of other industrial uses of the property, along with the rezoning of the unneeded acreage. Also, if this would be done it would alleviate his clients' concerns about the monofill. He asked that the commissioners not make a decision at their meeting this evening and take 30 days for all parties involved to meet and come up with something that everybody can agree on.

Jeff Fuchs who lives close to the current monofill site stated that the trucks are very noisy. He stated that when Waupaca first came to Perry County they stated that they would fence all the property around the monofill, but they only fenced the monofill.

Property owner Steve Cail asked if they know yet where the road to the site would be located. He was concerned that all the trucks would be passing his home. Attorney Jim Tyler stated that at this time they do not know where the exact location of the road will be.

Helen Kleeman a resident of Troy stated that she lives ½ mile from the current monofill site and dust has been a real problem.

James Carter stated he was asking the commissioners to not vote at the meeting this evening and table the issue until their July meeting. He explained that two aquifers provide water to Perry County. If the landfill is ever breached by an earthquake its contents could enter that aquifer. If our water is compromised the people of the county, not Waupaca would have to pay the price.

Kelly Litherland explained that the proposed site is located 3 miles from Perry Central High School. She explained they purchased land in central Perry County for one reason and that was to be away from industrial traffic, not to have a landfill next to the property. She stated that the proposed monofill is less than 200 yards from a field that her children play in and 500 yards from her home. She asked why they are purchasing 200 acres if they are only going to use 50 acres. She was concerned about the dust that comes from the trucks if they are not covered correctly. She asked that everybody work together to make a good decision for our community.

Matt Labhart stated that they made several telephone calls to people who live near the Troy landfill. A couple of the people were at the meeting and spoke, but while the others told him the same story they were unwilling to attend out of fear for their or their family members' jobs at Waupaca.

Tommy Overstreet stated that he and his parents own land in the area of the proposed monofill. He stated that Waupaca hadn't provided specific plans and until they come up with something legally binding stating exactly what they are going to do and everything that could happen and be held accountable for it, their word means nothing.

Bridget Bruggemen said that yes Waupaca did provide good paying jobs, but that was not the issue here. She asked if the proposed site had been inspected by the EPA. She said that property owners should feel safe in their own backyards. She would like to see Waupaca explore more options and place the monofill at a different location.

Tara Edwards stated that she lives in the same area as the Litherland's and Labhart's and would like to see the commissioners table the issue until a better option can be proposed. She also agreed that 200 acres is too much land to rezone for this project.

Tara Damin stated that she agreed with the others that had spoken against the project. She stated that they would be placing it in a very beautiful place within Perry County.

Steve Poole asked if any testing had been done on the land by Waupaca or the county. Someone has to be responsible if anything comes up later.

Bryant Esch with Waupaca said he wished there would be an easier way to do this project, but at this time there is not. He stated that what ever is agreed upon Waupaca will hold up their end of the deal. The residents of Perry County needed to trust them. He discussed the issue of the water problem at the Troy site and also the problem they had at the 4-H fair grounds. He also discussed the access road and stated that it would not be close to the home that is located there and they would provide trees along the road. He also stated that if people have trouble with dust from the trucks or the site they should report it to Waupaca. Mr. Esch stated that they had looked at 15 different sites and this area was the best location.

Jim Tyler stated that the officials of Waupaca were agreeable to many of the conditions that Mr. Shively suggested, but the specific area couldn't be determined and a limit of 50 acres might be too restrictive. Some guarantees couldn't be made until after Waupaca took possession of the land and other technicalities were worked out.

Mr. Shively asked the commissioners to table the issue for 30 days until all parties can get together and work something out. He wants to protect the investment of the land owners that adjoin the property in question.

County Council member Stan Goffinet stated that he had listened to ever thing that had been discussed, and he would like to see the Commissioners table the petition until all parties work together on the issue.

Commissioner Bill Amos stated that he was fine with waiting 30 days until they voted on the petition as long as the County Attorney was involved in the talks.

Commissioner Jody Fortwendel thanked everybody for attending the meeting. He stated that he made the motion at the Planning & Zoning meeting for the recommendation to the commissioners. He agreed that if the attorneys of all parties could meet and come up with a solution that will benefit all parties, that was fine with him.

Commissioners Tom Hauser agreed with the other commissioners that if all parties could work something out and present it at the next commissioners meeting, he was fine with it.

Tom made the motion to table the Petition to Rezone Property until the July 18th commissioners meeting to be held at 6:00 p.m. Jody seconded the motion and motion carried 3-0.

PAYROLL

Tom made a motion to approve the payroll docket in the amount of \$115,491.99 for payroll distributed on June 18, 2012. Jody seconded the motion, and motion carried 3-0.

AGREEMENT – TAX SALE

County Auditor Connie Berger presented the commissioners with an agreement between SRI, Inc. and the Commissioners to hire SRI to conduct the 2012 Tax Sale to be conducted in October of this year. Connie stated that the county has used this company for many years and have a very good working relationship with the company. The County Attorney had reviewed the agreement and found it to be in proper legal order. Tom made the motion to approve the agreement and Jody seconded the motion. Motion carried 3-0.

SURETY RIDER TO BOND

Connie Berger, Perry County Auditor, presented the commissioners with a Surety Bond for a name change within the treasurer's office. Valorie Richter was recently married and her name is now Valorie Bland. Jody made the motion to approve the bond and Tom seconded the motion. Motion carried 3-0.

STATE HEALTH INSURANCE

County Auditor, Connie Berger, gave the commissioners information that she had received from the State of Indiana about health insurance that is offered by the State. In reviewing the information the commissioners stated that the State rates for 2012 were much higher than the current rates county employees are paying. Tom made the motion to not receive information on the 2013 State Health Insurance rates, and Jody seconded the motion. Motion carried 3-0.

AGREEMENT – HOMESTEAD CREDIT VERIFICATION

Connie Berger, Perry County Auditor, presented an agreement for the commissioner's consideration to hire SRI, Inc. to review the homestead credit records of the Auditor's office to see if any taxpayer is receiving more than one homestead credit in the State of Indiana. They will be reviewing the tax years of pay 2010, 2011 and 2012. If it is found that a taxpayer has more than one homestead credit then notices will be mailed to the property owner and if no back taxes are paid then a certified letter will be mailed. Connie explained that 99% of the money collected will be placed in a non-reverting fund to be used by the County Auditor's office and 1% will go to the State. SRI's fee is 30% of the amount collected. If no money is collected then they will receive no money. The County Attorney had reviewed the contract and found it to be in proper legal order. Jody made the motion to approve the agreement and Tom seconded the motion. Motion carried 3-0.

BOARD APPOINTMENT

PERRY COUNTY AIRPORT AUTHORITY: County Administrator, Teresa Kanneberg stated that she had received a letter from K. Eugene Borders asking to be reappointed to the Airport Authority Board. Tom made the motion to reappoint K. Eugene Borders for a 4 year term to the Perry County Airport Authority. Jody seconded the motion and motion carried 3-0. (Term June 30, 2012 to June 30, 2016)

PERRY COUNTY BOARD OF HEALTH: Teresa Kanneberg informed the commissioners that she had received a letter from Dr. Robert Ward stating that he was retiring his position on the Perry County Board of Health effective July 1, 2012. She explained that this position would have to be filled with a licensed doctor, but it did not matter which political party he/she belong to. The appointment would be from the remainder of this year and the next 4 years. She will accept letters of interest until August 1st and the commissioners can make the appointment at their August 6th meeting.

OLD HIGHWAY 37 ROAD SLIDE

Teresa Kanneberg, County Administrator, presented the commissioners with Amendment No. 1 to the Professional Services agreement dated April 18, 2012. At the time the agreement was signed a section was left out of the agreement that was about the Field Check Design Phase. Teresa explained that this will not increase the cost of the project. Jody made the motion to approve the amendment and Tom seconded the motion. Motion carried 3-0.

It was announced that the next scheduled meeting of the Board of Commissioners is scheduled for Monday, July 2, 2012 at 6:00 p.m.

The meeting ended in open session at 8:50 p.m.

Minutes approved this 6th day of August, 2012.

Bill Amos
President

Louis J. Fortwendel

Thomas J. Hauser

*Minutes prepared by:
Connie A. Berge, Perry County Auditor*